

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

ANTONIO WHEELER,

Plaintiff,

vs.

SUSAN BRAGER, *et al.*,

Defendants.

Case No.: 2:24-cv-00682-GMN-EJY

**ORDER ADOPTING
REPORT AND RECOMMENDATION**

Pending before the Court is the Order and Report and Recommendation (“R&R”), (ECF No. 6), from United States Magistrate Judge Elayna J. Youchah, which recommends dismissing the case without prejudice for Plaintiff’s failure to file an amended complaint by July 1, 2024.

A party may file specific written objections to the findings and recommendations of a United States Magistrate Judge made pursuant to Local Rule IB 1-4. 28 U.S.C. § 636(b)(1)(B); D. Nev. R. IB 3-2. Upon the filing of such objections, the Court must make a *de novo* determination of those portions to which objections are made if the Magistrate Judge’s findings and recommendations concern matters that may not be finally determined by a magistrate judge. D. Nev. R. IB 3-2(b). The Court may accept, reject, or modify, in whole or in part, the findings or recommendations made by the Magistrate Judge. 28 U.S.C. § 636(b)(1); D. Nev. R. IB 3-2(b). Where a party fails to object, however, the Court is not required to conduct “any review at all . . . of any issue that is not the subject of an objection.” *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (citing 28 U.S.C. § 636(b)(1)). Indeed, the Ninth Circuit has recognized that a district court is not required to review a magistrate judge’s R&R where no objections have been filed. *See, e.g., United States v. Reyna–Tapia*, 328 F.3d 1114, 1122 (9th Cir. 2003).

Here, no objection was filed, and the deadline to do so has passed. (*See* R&R, ECF No. 6) (setting July 16, 2024, deadline for objections). The *pro se* Plaintiff did, however, file a

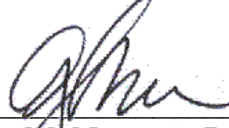
1 Notice of Appeal as to the Court's previous Order adopting the Magistrate Judge's first R&R,
2 (ECF No. 5). The Ninth Circuit has since dismissed the Notice of Appeal because the appealed
3 Order was not final or appealable. (USCA Order, ECF No. 11). As of the date of writing this
4 Order, Plaintiff has not filed an amended complaint.

5 Accordingly,

6 **IT IS HEREBY ORDERED** that the Report and Recommendation, (ECF No. 6), is
7 **ACCEPTED and ADOPTED** in full.

8 **IT IS FURTHER ORDERED** that the case is **DISMISSED** without prejudice.

9 Dated this 6 day of September, 2024.

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13 Gloria M. Navarro, District Judge
14 United States District Court
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